

Recording requested by:

STATE WATER RESOURCES CONTROL BOARD

Pursuant to Water Code Section 1650 and  
Government Code Section 27383

When recorded mail to:

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

P.O. Box 2000

Sacramento, CA 95812-2000

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

**DIVISION OF WATER RIGHTS**

**ORDER**

Application 11268 Permit 6858 License 3124

**ORDER CORRECTING SOURCE, AND POINTS OF DIVERSION,  
ISSUANCE OF SEPARATE LICENSES,  
AND REVOCATION OF ORIGINAL LICENSE**

**WHEREAS:**

1. License 3124 was issued to Alfred Kuhn on December 11, 1950 pursuant to Application 11268 and recorded with the County Recorder of Sacramento County on December 20, 1958.
2. License 3124 was subsequently assigned to Betty L. Kuhn and Delta Breeze Vineyards, L.L.C.
3. The State Water Resources Control Board (SWRCB) staff has determined corrections are needed to identify the source and points of diversion with the actual location as they exist. Projected sections are used to describe the points of diversion and place of use.
4. By letter dated October 23, 1996, a request was made for the issuance of separate licenses to reflect the individual ownerships of Betty L. Kuhn and Delta Breeze Vineyards, L.L.C.
5. The SWRCB has determined the correction to the source, points of diversion and places of use do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water, and that good and sufficient cause has been shown for the corrections, and subsequent issuance of separate licenses.
6. The license condition pertaining to the SWRCB's continuing authority should be replaced with the current version to conform with the Section 780(a), Title 23 of the California Code of Regulations.

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. The source under this license shall be corrected as follows:  
  
Dredger cut, East Extension Snodgrass Slough tributary to Snodgrass Slough thence Mokelumne River.
2. The description for the points of diversion (2) and (3) shall be corrected as follows:  
  
(2) North 54 feet and East 1,858 feet from projected Section 6, T5n, R5e, MDB&M, being within the SE¼ of SW¼ of Section 31, T6n, R5E, MDB&M.  
  
(3) North 54 feet and East 1,880 feet from NW corner of projected Section 6, T5N, R5E, MDB&M, being within SE¼ of SW¼ of projected Section 31, T6N, R5E, MDB&M.
3. License 3124 be replaced by License 3124A issued to Betty L. Kuhn and License 3124B issued to Delta Breeze Vineyards, L.L.C.
4. Superseded License 3124 is hereby revoked upon issuance of License 3124A and 3124B.
5. Separate licenses be issued as follows:
  - A. License: 3124A (Application 11268A)  
Owner: Betty L. Kuhn  
2705 K Street, Suite 1  
Sacramento, CA 95816  
  
Source: Dredger Cut, East Extension of Snodgrass Slough tributary to Snodgrass Slough thence Mokelumne River in Sacramento County  
  
Use: Irrigation and stockwatering  
Amount: 16.5 cubic feet per second  
Maximum Annual Amount: 8,004 acre-feet  
Season: March 1 to November 1 (Irrigation)  
January 1 to December 31 (Stockwatering)  
  
Points of Diversion: (1) South 385 feet and West 3775.06 feet from projected Section 1, T5N, R4E, MDB&M, being within the NE¼ of NW¼ of said Section 1.  
  
(2) North 54 feet and East 1858 feet from projected Section 6, T5N, R5E, MDB&M, being within the SE¼ of SW¼ of Section 31, T6N, R5E, MDB&M.  
  
Place of Use: 1,129 net acres within a gross area of 1257 acres located within Sections 1 and 12, T5N, R4E, MDB&M and in Sections 5, 6, & 7, T5N, R5E, MDB&M, as shown on map on file within the SWRCB.
  - B. License: 3124B (Application 11268B)  
Owner: Delta Breeze Vineyards, L.L.C.  
118 North Fairway Circle  
Litchfield Park, AZ 85340

Source: Dredger Cut, East Extension of Snodgrass Slough tributary to Snodgrass Slough thence Mokelumne River in Sacramento County.

Use: Irrigation and Stockwatering.

Amount: 4.5 cubic feet per second.  
Maximum Annual Amount: 2,183 acre-feet

Season: March 1 to November 1 (Irrigation)  
January 1 to December 31 (Stockwatering)

Points of  
Diversion: (3) North 54 feet and East 1,880 feet from NW projected Section 6, T5N, R5E, MDB&M, being within SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 31, T6N, R5E, MDB&M.

(4) North 141 feet and West 129 feet from SE corner of projected Section 31, T6N, R5E, MDB&M, being within the SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of said Section 31.

219.8 acres within N $\frac{1}{2}$  of projected Section 5  
96.3 acres within S $\frac{1}{2}$  of projected Section 5  
316.1 net acres with a gross area of 320.1 acres,  
as shown on map on file with the SWRCB.

6. Licenses 11268A and 11268B shall contain all other terms and conditions presently in License 11268 or the updated versions for compliance with the SWRCB policy.

Dated: **OCTOBER 24 1997**

*Roger Anton*  
for Edward C. Anton, Chief  
Division of Water Rights



STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS  
DIVISION OF WATER RESOURCES  
STATE ENGINEER

## License for Diversion and Use of Water

APPLICATION 11268

PERMIT 6858

LICENSE 1124

THIS IS TO CERTIFY, That **Alfred Kuhn**  
**Box 1473**  
**Elk Grove, California**

OVER

made proof as of **October 17, 1949,**  
(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the water of  
**Dredger Cut, East Extension of Snodgrass Slough in Sacramento County**

tributary to **Mokelumne River**

for the purpose of **irrigation and stockwatering uses**  
under Permit **6858**

of the Department of Public Works and that said right to the use of said water has  
been perfected in accordance with the laws of California, the Rules and Regulations of the Department of Public Works  
and the terms of the said permit; that the priority of the right herein confirmed dates from **January 25, 1946;** and

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited  
to the amount actually beneficially used for said purposes and shall not exceed **twenty one (21) cubic feet per**  
**second to be diverted as follows:**

- (a) from about March 1 to about November 1 of each year for irrigation purposes, and
- (b) throughout the year as required for stockwatering purposes.

The equivalent of such continuous flow allowance for any thirty day period  
may be diverted in a shorter time if there be no interference with other vested  
rights.

The points of diversion of such water are located as follows:

- (1) South three hundred eighty-five (385) feet and West three thousand seven hundred seventy-five and six hundredths (3775.06) feet from Northeast corner of Section 1, T 5 N, R 4 E, M.D.B.&M., being within NE $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section 1.
- (2) North fifty-four (54) feet and East one thousand eight hundred fifty-eight (1858) feet from Northwest corner of Section 6, T 5 N, R 5 E, M.D.B.&M., being within SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 31, T 6 N, R 5 E, M.D.B.&M.
- (3) North fifty-four (54) feet and East one thousand eight hundred eighty (1880) feet from Northwest corner of Section 6, T 5 N, R 5 E, M.D.B.&M., being within SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 31, T 6 N, R 5 E, M.D.B.&M.
- (4) North one hundred forty-one (141) feet and West one hundred twenty-nine (129) feet from Southeast corner of Section 31, T 6 N, R 5 E, M.D.B.&M., being within SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of said Section 31.

A description of the lands or the place where such water is put to beneficial use is as follows:

A net irrigable area of **1445** acres in Sections 1 and 12, T 5 N, R 4 E and in Sections 5, 6, 7 and 8, T 5 N, R 5 E, M.D.B.&M., as shown on map filed with the State Engineer.

All rights and privileges under this license including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Department acting through the State Engineer in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the State Engineer.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

*This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:*

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Department.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to this regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property can not agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Witness my hand and the seal of the Department of Public  
Works of the State of California, this 11th  
day of December, 1950



*Alfred Kuhn*  
ALFRED KUHN  
State Engineer

4-26-83 Name Chgd to Estate of Alfred Kuhn  
12-19-85 Asgd to Betty Kuhn  
6/30/95 assigned to Betty Kuhn + Beck  
Development Company, Inc.

8-18-95 Beck Dev. Co., Inc. interest assigned to  
J.S. Stephens II, Scharlie U. Stephens,  
Jacob S. Stephens Family Trust, J.S. Stephens III,  
and Karen E. Stephens.

LICENSE 3124

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS  
DIVISION OF WATER RESOURCES  
STATE ENGINEER

LICENSE  
TO APPROPRIATE WATER

ISSUED TO Alfred Kuhn

DEC 11 1950

DATED

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